

CRA-S-820-2024

Kuldeep Kaur

.....Appellant

Versus

State of Haryana and another

.....Respondent

Present:- Mr. Rajiv Sharma, Advocate for the appellant.

Mr. Ramesh Kumar Ambavta, AAG Haryana
along with DSP Kuldeep Singh.

Mr. S.S. Kamboj, Advocate for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. On 29.02.2024, following order was passed:-

“Apprehending her arrest in FIR No.0014 dated 15.01.2024, registered for offences punishable under Sections 34 and 509 of IPC and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 2015) at Police Station Cheeka, District Kaithal, the appellant has preferred this appeal seeking pre-arrest bail.

Counsel for the appellant inter alia submits that so far as the attributions of uttering casteist remarks are concerned, the same are against Prabhiyot Singh and not against the petitioner.

Notice of motion for 30.04.2024.

Mr. Gaurav Bansal, DAG, Haryana, appears and accepts notice on behalf of the respondent No.1-State.

In the meantime, in the event of arrest, the appellant shall be released on interim bail subject to her furnishing personal and

surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the appellant shall join the investigation.”

2. Counsel for the State as well as respondent No.2 do not dispute that so far as the casteist remarks are concerned, there is no allegation qua the appellant and thus so far as the provisions under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 2015) are concerned, it is debatable as to whether they can be invoked qua the present appellant?

3. In view of above the interim order dated 29.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting appellant indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the appellant.

6. The petitioner shall be deemed to be in custody for the purpose of Section [27](#) of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the appellant in case the occasion arises.

7.

It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8.

Appeal stands disposed off.

30-04-2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable : No